

REMARKS

Summary

This Amendment is responsive to the Office Action mailed on February 26, 2003. Claim 1 is amended. Applicants confirm the election of Group I, claims 1-27, made by Applicants' counsel by telephone on February 7, 2003.

Claims 1-27 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. Claim 1 is amended to positively recite language that falls within the technological arts. In particular, claim 1 is amended to specify that online access is provided to the searchable database, such that a service provider and an associated offering may be selected electronically via the database. Further, claim 1 is amended to specify that the selected offering and billing information is electronically communicated to the intermediary, and that the intermediary electronically stores the billing information and electronically communicates the offering to the service provider. Withdrawal of the rejections under 35 U.S.C. § 101 is therefore respectfully requested.

Claims 1-27 stand rejected under 35 U.S.C. § 112 as being indefinite. Claim 1 is amended herein to overcome the rejections under 35 U.S.C. § 112. Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hodroff (US 5,687,323). Claims 1-27 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilf (US 5,899,980).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

**Discussion of Hodroff**

Hodroff discloses a currency exchange management system which functions as a currency exchange between non-cash, volunteer, and barter economies and the mainstream cash economy (Abstract). A currency exchange center 1 manages and operates a debit-card based accounting system that facilitates transactions between sponsors 3, vendors 2, and individual members 4. Members earn service credits by performing agreed-upon and authorized tasks for or through the sponsors. The members can then purchase goods and services through vendors who have agreed to accept card-based transactions at an agreed upon cash discount (Col. 2, lines 18-28).

Service credits are earned by individuals by providing community-service work that can be redeemed for goods and services at participating for-profit businesses. The service credits are applied to a currency exchange card which is provided to the individual. The earned service credits are converted into a currency called Community Economic Development Scrip (CEDS) (Col. 1, lines 30-53). The transaction management system converts CEDS into spendable units in the cash economy to enable the individual to purchase items from a participating vendor (Col. 1, lines 54-63)

The concept of Hodroff, a currency exchange between cash and non-cash economies to enable purchases using

earned service credits is far removed from that of the present invention. In contrast to Hodroff, the present invention enables members of an organization, for example, employees, to make online purchases of offerings via an intermediary. With the present invention, the electronic transactions flow through the intermediary, which electronically handles the orders from the members, communicates the selected offerings to the service provider, and provides the organization with a consolidated invoice for all offerings ordered by its employees during a predetermined time period.

In Hodroff, the member purchases goods or services directly from the vendor, rather than via an online searchable database provided by an intermediary as set forth in Applicants' claims. In Hodroff, the purpose of the currency exchange computer verification network is to verify and convert earned credits into cash equivalent to enable the purchase of goods directly from the vendor. In contrast, the purpose of the intermediary of the present invention is to facilitate the entire transaction by providing a searchable database of service providers and their offerings and to allow a member to order an offering by selecting it from the database. The order is electronically communicated to the intermediary along with the billing information for the order. The intermediary communicates the orders to the service provider and after a predetermined time period, provides a consolidated invoice to the organization for all orders ordered by its members during that time period. In Hodroff, the currency exchange card is treated like a debit card and the CEDS are debited

when purchases are made. Hodroff does not provide periodic consolidated invoicing as set forth in Applicants' claimed invention.

Hodroff does not disclose or remotely suggest Applicant's claimed invention. With the present invention, the intermediary provides a centralized resource in the form of an online searchable database for a member, such as an employee of a corporation, to order goods or services, such as meals, from a service provider, such as a restaurant. The intermediary also absorbs payment, collection and billing functions on behalf of the organizations and service providers. Hodroff does not provide any of the forgoing advantages of the present invention.

Discussion of Wilf

Wilf discloses a retail method over a wide area network. The system for carrying out the retail method includes a secure transaction service provider 20 (STSP) which includes a plurality of M secure transaction servers 21, 22 (STS) connected to the Internet 10. The system also includes a plurality of N ISP servers 31-33 connected to the Internet 10, and a plurality K point of sale computer stations 41-43 connected to the Internet 10. Each ISP server provides Internet access to a plurality of customer computer stations 51-52, 61-62, 71-72 (Col. 5, line 62 through Col. 6, line 10).

The STSP 20 provides software modules which are installed on point of sale computer stations, the ISP

servers, and on each STS. The software module installed on the STS servers can identify a customer currently using a given IP address. This software module also manages the billing of customers in accordance with the purchase of goods from various vendors, manages communications with the STS and the customer computer stations, and checks whether the customer is certified to pay through the STSP (Col. 6, lines 42-64).

In operation, the system of Wilf is far different (and far more complicated) than that of the claimed invention. In Wilf, the customer uses a customer computer station (each of which includes the software module from the STSP 20 as described above) to connect to a vendor's point of sale computer station (each of which also includes a software module from the STSP) and enter that vendor's web site and order goods. If the vendor allows payment through the STSP method, the customer can elect this option on the web page of the vendor and the point of sale computer station causes the customer computer station to connect to one of the available STSs 21-23 and to transfer the ID of the point of sale computer station and transaction details to the available STS. The STS then sends the customer computer station a transfer verification form, which informs the customer of the requested product or service, the price and payment terms for the transaction. The customer can either confirm or deny the transaction after reviewing the verification form. If verified, the customer is connected to the ISP server using data sent from the STS in the transaction verification form, and the relevant data in the verification form is sent to the ISP server. If the

customer is certified to pay, the ISP server connects to the STS informs the STS accordingly. The STS then connects with the point of sale computer station and instructs it whether or not to provide the requested service or product (see, e.g., Columns 7 and 8 of Wilf).

In contrast, with the present invention there is no need to provide software modules to every computer station involved in the transaction, as is necessary in Wilf.

Further, with Applicants' invention, no specialized software or hardware is required by the user or the service provider other than a web browser. In Applicants' claimed invention, an online database includes the service providers and their respective offerings, effectively providing a centralized location for the member to obtain the desired goods or services from a plurality of service providers. The member accesses the online database maintained by the intermediary to search the providers and place an order, rather than connecting to a specific point of sale computer station for a specific vendor as in Wilf. With Applicants' invention, the member communicates the order entirely via the intermediary, with no need to contact the service provider directly. The intermediary communicates the orders to the service provider and after a predetermined time period, provides a consolidated invoice to the organization for all orders ordered by its members during that time period. Therefore, with the present invention there is no need for the multiple transfers which take place in Wilf as described above.

Wilf does not disclose or remotely suggest Applicant's claimed invention. In Particular, Wilf does not disclose or

remotely suggest providing the members of an organization with online access to a searchable database of service providers with associated offerings via an interactive communication network. Nor does Wilf disclose or suggest the provision of an intermediary to (1) maintain the database, (2) receive selected offerings and billing information from the members, (3) store the billing information, (4) communicate selected offerings to the service providers, or (5) provide a consolidated invoice to the member's organization.

Applicants respectfully submit that the present invention would not have been obvious to one skilled in the art in view of Hodroff or Wilf, taken alone or in combination with any of the other prior art of record. There is simply nothing in the references that would motivate one skilled in the art to arrive at the present invention.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

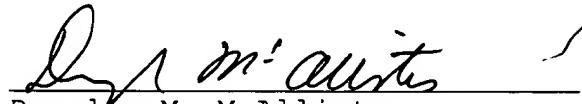
Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to

pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,

  
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Date: April 15, 2003